CHAPTER 95.

An Act to enable war service to be treated as contributory service, approved external service or qualifying service for the purpose of the Teachers (Superannuation) Acts, 1918 to 1937, and for purposes connected therewith.

[5th September 1939.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

War service as contributory service.

1. Where a person employed by any employer (hereafter in this section referred to as a "former employer") as a teacher in contributory service ceases to be so employed in order to undertake war service, his period of war service shall be treated for the purposes of Part II of the principal Act as if it were a period of contributory service, and that Part of that Act shall apply accordingly, subject to the following modifications—

(*a*) no contributions shall be payable by or in respect of him under section nine of the said Act for any part of his period of war service, unless for that part of that period—

(i) payments are made to or in respect of him under section one of the Local Government Staffs (War Service) Act, 1939; or 2 & 3 Geo. 6. c. 94.

(ii) payments are made by his former employer otherwise than under the said

section one to supplement his war service pay; or

(iii) the amount of his war service pay is equal to or exceeds the amount of his salary as a teacher;

(*b*) in the application of the said section nine to any period in respect of which contributions are payable by virtue of the foregoing paragraph, references in that section to his employer shall be construed as references to his former employer.

War service of persons training or trained as teachers.

2.—(1) Where any person, having been admitted or accepted for admission to a training college recognised by the Board for the purpose of payment of grant,—

(*a*) undertakes war service on or before completing his course of training, or after completing his course of training but before becoming employed in contributory service; and

(*b*) subsequently becomes employed in contributory service;

his period of war service shall, subject to the provisions of this section, be treated for the purposes of Part II of the principal Act as if it were a period of contributory service.

(2) No contributions shall be payable by or in respect of any such person under section nine of the principal Act for any part of his period of war service for which the amount of his war service pay is less than the amount of his salary as a teacher.

(3) No part of the period of war service of any such person for which the amount of his war service pay is equal to or greater than the amount of his salary as a teacher shall be treated as a period of contributory service, unless he pays contributions of the following amount, namely—

(*a*) an amount equal to five per cent. of the amount of his salary as a teacher for that part of that period; plus

(*b*) such amount as may be determined by the Board to represent the net amount which would have been payable by his employer under paragraph (*b*) of subsection (1) of section nine of the principal Act if he had been employed in

contributory service during that part of that period, having regard to any grants which would have been payable by the Board in respect of that amount if it had been so payable and paid.

(4) For the purpose of Part II of the principal Act, any amount paid or payable under the last foregoing subsection shall be deemed—

(*a*) as regards so much thereof as is paid or payable by virtue of paragraph (*a*), to be paid or payable under paragraph (*a*) of subsection (1) of section nine of that Act; and

(*b*) as regards so much thereof as is paid or payable by virtue of paragraph (*b*), to be paid or payable under paragraph (*b*) of the said subsection (1).

(5) In the case of any such person undertaking war service before completing his course of training, no part of his period of war service falling before such date as the Board may determine to be the date on which that course would have been completed shall be treated as a period of contributory service.

War service of persons temporarily absent from contributory service. 1 Edw. 8. & 1 Geo. 6. c. 47.

3.—(1) Section two of the Teachers (Superannuation) Act, 1937 (which provides for the treatment of a period of absence from contributory service as a period of contributory service) shall not apply with respect to any person's period of war service.

(2) Where a person, having discontinued his employment as a teacher in contributory service, undertakes war service before the expiration of a period the whole of which would, but for the last foregoing subsection, be treated by virtue of the said section two as a period of contributory service, then—

(*a*) in a case where he continued, until he undertook war service, to be in the employment of the person by whom he was last employed as a teacher in contributory service, section one of this Act shall apply with respect to his period of war service or any part thereof as if he had ceased to be employed by that person as a teacher in contributory service in order to undertake war service; and

(*b*) in any other case, subsections (1) to (4) of the last foregoing section shall apply with respect to his period of war service or any part thereof as if he were such a person as is mentioned in subsection (1) of that section.

War service as approved external service.

4. Where a person employed in approved external service of any kind ceases to be so employed in order to undertake war service, his period of war service shall be treated for the purposes of the Teachers (Superannuation) Acts, 1918 to 1937, as if it were a period of approved external service of that kind.

War service as qualifying service.

5. Any person whose period of war service or any part thereof is not required by this Act to be otherwise treated may require that his period of war service or that part thereof shall be treated for the purposes of the Teachers (Superannuation) Acts, 1918 to 1937, as if it were a period of qualifying service.

Reckoning of salary during war service.

6. Where by virtue of this Act any person's period of war service or any part thereof is treated as if it were a period of contributory service or approved external service, the amount of his salary as a teacher during that period or that part thereof shall, for the purposes of this Act and of Part II of the principal Act, be taken to be such amount as would, in the opinion of the Board, have been taken to be the amount of his salary under Part II of the principal Act if he had been employed in contributory service or approved external service, as the case may be, during that period or that part thereof.

Provision as to persons called out or under training.

7.—(1) The provisions of Article 11 of the Reserve and Auxiliary Forces (Consequential Provisions) Order, 1939, shall not apply with respect to any part of any person's period of service as a person called out which falls during the period of the present emergency.

(2) The provisions of Article 5 of the Military Training (Consequential Provisions) Order, 1939, shall not apply with respect to any part of any person's period of training which falls within the period of the present emergency.

(3) Where any person—

(*a*) at the beginning of the period of the present emergency is serving as a person called out or is a person under training; and

(*b*) immediately before he was called out or immediately before the beginning of his period of training, as the case may be, was employed in contributory service as a teacher or in approved external service;

he shall be deemed for the purposes of this Act to have ceased to be so employed immediately after the beginning of the period of the present emergency in order to undertake war service.

(4) In this section the expression "called out" has the same meaning as in the Reserve and Auxiliary Forces (Consequential Provisions) Order, 1939, and the expressions "person under training" and "period of training" have respectively the same meanings as in the Military Training (Consequential Provisions) Order, 1939.

Application to organisers.

8. This Act shall apply to a person employed as an organiser, and treated by virtue of subsection (1) of section fourteen of the principal Act as if he were a teacher employed in contributory service, as it applies to such a teacher, and accordingly in this Act—

(*a*) any reference to a teacher shall be construed as including a reference to an organiser; and

(*b*) any reference to contributory service shall be construed as including a reference to service as an organiser which, by virtue of the said subsection (1), is treated as contributory service.

Application to schemes.

9. The foregoing provisions of this Act shall have effect for the purposes of a scheme made under paragraph (*a*) of subsection (1) of section twenty-one of the principal Act, subject to the following modifications:—

(*a*) for references to contributory service there shall be substituted references to contributory service under the scheme;

(*b*) for references to Part II of the principal Act and for the reference to the Teachers (Superannuation) Acts, 1918 to 1937, there shall be substituted references to the said Part II, or to those Acts, as applied by the scheme.

Expenses.

10. Any expenses incurred by the Board of Education for the purposes of this Act shall be defrayed out of moneys provided by Parliament.

Interpretation.

11. In this Act the following expressions have the meanings hereby respectively assigned to them :—

" approved external service " has the same meaning as in section thirteen of the principal Act;

" the Board " means the Board of Education;

" contributory service," except as otherwise provided by this Act, has the meaning assigned to it by paragraph (*b*) of subsection (1) of section two of the principal Act;

" period of the present emergency " means the period beginning with the first day of September nineteen hundred and thirty-nine and ending with such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end;

" period of war service," in relation to any person, includes any period not exceeding twelve months, or any periods not exceeding twelve months in all, during which he, though not actually engaged in war service, is as a result of war service prevented or hindered from procuring work as a teacher owing to injury, illness or any other cause;

15 & 16 Geo. 5. c. 59.

" principal Act " means the Teachers (Superannuation) Act, 1925, as amended by any subsequent enactment;

" war service " means service, during the period of the present emergency, in any of the naval, military or air forces of the Crown, or any service during that period which the Board consider may properly be treated for the purpose of this Act in the same manner as service in those forces;

" war service pay ", in relation to a person engaged in war service, means his pay (including marriage, family and other similar allowances) in respect of his war service.

12. Notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws, in respect of matters exclusively relating to the portion of Ireland within their jurisdiction and any part thereof, for purposes similar to the purposes of this Act.

Provision as respects Northern Ireland. 10 & 11 Geo. 5. c. 67.

13.—(1) This Act may be cited as the Teachers Superannuation (War Service) Act, 1939, and shall be construed as one with the principal Act.

Short title, construction, citation, commencement and extent.

(2) This Act and the Teachers (Superannuation) Acts, 1918 to 1937, may be cited together as the Teachers (Superannuation) Acts, 1918 to 1939.

(3) This Act shall be deemed to have come into operation at the beginning of the period of the present emergency.

(4) No provision of this Act shall extend to Scotland, and no provision of this Act, except the provisions of the last foregoing section, shall extend to Northern Ireland.

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FOR
SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament